

Notice of Allowability

Application No.

10/609,487

Examiner

Jared I. Rutz

Applicant(s)

KISELEV ET AL.

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/30/2006.
2. ☒ The allowed claim(s) is/are 1-3, 5-9, 11, 12 and 16-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's ~~Amendment~~/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 1-3, 5-9, 11-12, and 16-21 as amended on 1/30/2006 are pending in the instant application. Applicant's arguments submitted with the amendments have been carefully and fully considered, and are persuasive. Accordingly, this application is in condition for allowance.

Reasons for Allowance

2. **Claims 1-3, 5-9, 11-12, and 16-20** are allowed.

3. Amended **claim 1** of the instant application recites the limitation "*returning stripe unit B_x data to the second computer system if the stripe parity P compares equally to the new stripe parity P_{new}* ". Applicant's arguments, see lines 18 of page 9 through line 2 of page 10, filed 1/30/2005, with respect to claim 1 have been fully considered and are persuasive. Talagala does not teach or suggest "*returning stripe unit B_x data to the computer system if the stripe parity P compares equally to the new stripe parity P_{new}* ."

Claims 2-3 are allowable for at least the same reasons as claim 1.

4. Amended **claim 5** of the instant application recites the limitation "*generating new checksum CS_{new} data as a function of the new data for stripe unit B_y and data of stripe units B_1 - B_{max} other than stripe unit B_y* ". Applicant's arguments, see lines 9-15 of page 13, filed 1/30/2005, with respect to claim 5 have been fully considered and are persuasive. Talagala does not teach or suggest "*generating new checksum CS_{new} data as a function of the new data for stripe unit B_y and data of stripe units B_1 - B_{max} other than*"

Art Unit: 2187

stripe unit B_y” as required by claim 5. **Claims 6 and 16-18** are allowable for at least the same reasons as claim 5.

5. Amended **claim 7** recites the limitation “returning stripe unit B_x data to the second computer system if the stripe parity P compares equally to the new stripe parity P_{new}” as recited in claim 1. Applicant’s arguments, see the first full paragraph of page 13, state that claim 7 is allowable for at least the same reasons as claim 1. The examiner agrees that claim 7 is allowable for the reasons presented with respect to claim 1. **Claims 8-9** are allowable for at least the same reasons as claim 7.

6. Amended **claim 11** recites the limitation “generating new checksum CS_{new} data as a function of the new data for stripe unit B_y and data of stripe units B₁-B_{max} other than stripe unit B_y” as recited in claim 5. Applicant’s arguments, see the first full paragraph of page 13, state that claim 11 is allowable for at least the same reasons as claim 5. The examiner agrees that claim 11 is allowable for the reasons presented with respect to claim 5. **Claims 12 and 19-20** are allowable for at least the same reasons as claim 11.

Relevant Art

7. Talagala (2003/0167439 A1) teaches checking the checksum data for all stripe units if an error is detected in a stripe unit. Stripe parity P of the instant application is taught by the checksum data of Talagala. If the checksum data for all the stripe units has been checked, there is an error and the checksum for all of the stripe units does not match. Talagala teaches returning the data of a stripe unit if the checksum data for that stripe unit matches the stored checksum data. Accordingly, Talagala does not teach returning stripe unit data if the new stripe parity, which is a function of all of the stripe units in the stripe, and the stored stripe parity match.

Examiner's Comment

8. Claims 1-3, 5-9, 11-12, and 16-21 will be renumbered as shown.

Original numbering	1-3	5-6	7-9	11-12	16-18	19-21
New numbering	1-3	4-5	9-11	12-13	6-8	14-16

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared I. Rutz whose telephone number is (571) 272-5535. The examiner can normally be reached on M-F 8:00 AM - 4:00 PM.

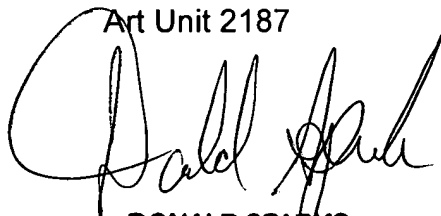
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2187

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jared I Rutz
Examiner

Art Unit 2187

A handwritten signature in black ink, appearing to read "Donald Sparks", is written over the printed name and title.

DONALD SPARKS
SUPERVISORY PATENT EXAMINER

jir